



MONROE COUNTY
COMMUNITY SCHOOL CORPORATION
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2013 Indiana "A" School Corporation

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July 16, 2014

REQUEST FOR REVIEW

CC Docket No. 96-45 and CC Docket No. 02-6
E-Rate Appeal Filed Electronically via the FCC ECFS System

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street SW
Washington, DC 20554

RE: Request for Review of the Administrator's Decision on Appeal 471 Application 890153
FRN 2451436.

Re: Applicant: Monroe County Community School Corporation
BEN: 130631
Form 471 Application Number: 890153
FRN: 2451436
Funding Year: 2013
Services: Telecommunications
Service Providers: Smithville Telephone Company, Inc. SPIN 143001756

To Whom It May Concern:

This is an appeal of the denial of the Administrator's Decision on Appeal – Funding Year 2013 – 2014 dated June 26, 2014 in connection with FRN 2451436 on FCC Form 471 Application Number 890153. A copy of the Administrator's Decision of Appeal is attached hereto as Exhibit B. Exhibit A serves as the basis for the USAC appeal. It has always been the desire of the Monroe CCSC to comply with all FCC, state, and local procurement/competitive bidding requirements. Monroe CCSC believes the original appeal dated June 26, 2014 for FRN 2451436 (see Exhibit E) demonstrated compliance with all FCC, state, and local procurement/competitive bidding requirements. If the FCC does not believe this after reviewing this appeal Monroe CCSC respectfully requests the FCC to waive their competitive bidding rules.

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Text Being Requested for Review:

"In your appeal it was determined that you failed to consider all bids submitted and failed to comply with all FCC, state, and local procurement/competitive bidding requirements. It was determined that the winning service provider Smithville Telephone Company, Inc. was not the highest bidder based on the vendor evaluation criteria and the results of the listed on the bid evaluation sheets. According to the documentation provided, AT&T was the only bidder that was evaluated."

"FCC rules require that except under limited circumstances, all FCC Forms 470 received be posted on the USAC website for 28 days, and that applicants carefully consider all bids received before selecting a vendor, entering into agreement or signing a contract, and signing and submitting an FCC Form 471. See 47 C.F.R. secs. 54.503(b) and (c), 54.511(a) and (c).

Appeal Review Request:

USAC based the denial on not following the competitive bidding process. This is simply not true. Monroe County Community School Corporation posted FCC Form 470 #402670001050542 on 10/17/2012 waited until after the Allowable Contract Date of 11/14/2012 to consider all bids as demonstrated by the two bid evaluations found in Exhibit F and G, before submitting FCC Form 471 #890153 on 3/1/2013. The FCC Form 470 clearly articulated the need for telephone service for 70+/- regular telephone lines. Smithville Telephone Company, Inc. is the LEC for 4 school buildings and therefore is the **sole source** provider for the 33 lines to those buildings. AT&T is the LEC for the remaining buildings in the school corporation.

The local school official responsible for following the competitive bidding process considered the bid from AT&T for 63 Centrex lines. The evaluation matrix (see Exhibit F Bid Evaluation for Services in AT&T LEC Area) reflected this bid and recommended awarding the contract to AT&T. We dispute USAC's finding that "AT&T was the only bidder that was evaluated," as demonstrated by Exhibits F and G. It was determined based on local knowledge and consultation with AT&T that their bid was only for the geographic area covered by AT&T centrex service (see Exhibit C Email dated May 16, 2014 and Exhibit D AT&T Centrex Contract). Page 4 of the contract clearly lists the physical locations and number of lines being provided. None of these locations are in Smithville Telephone Company LEC. Again, the Smithville Telephone Company, Inc. is the **sole source** for telephone lines to physical locations not serviced by AT&T as noted on Exhibit G. Because no bids were received for these locations the district memorialized that fact in Exhibit G and continued service with the existing **sole source** provider at tariff rates.

Attached Documents Which Support The Request for Review

- Exhibit A - Notification of Commitment Adjustment letter, Dated May 2, 2014
- Exhibit B - Copy of Administrator's Decision of Appeal - Funding Year 2013 - 2014, Dated July 10, 2014
- Exhibit C - Email dated May 16, 2014.
- Exhibit D - AT&T Centrex Contract
- Exhibit E - Copy of USAC Appeal Dated May 22, 2014
- Exhibit F - Bid Evaluation Matrix for Services to Buildings in the AT&T LEC
- Exhibit G - Bid Evaluation Matrix for Services to Buildings in the Smithville Telephone Company, Inc. LEC



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REQUEST TO RESCIND FUNDING COMMITMENT ADJUSTMENT FOR FRN 2451436

The School Corporation believes special circumstances warrant a deviation from the FCC general rules, and such deviation would better serve the public interest than strict adherence to the general rules. In addition, there is no evidence of waste, fraud or abuse, misuse of funds, or a failure to adhere to core program requirements. We believe that no FCC rules were violated in the bidding process for this FRN and that good cause exists to rescind the funding Commitment Adjustment Letter dated May 2, 2014, and fully restore all funding commitments for FRN 2451436. We also believe granting this request will promote the statutory requirements of section 254(h) of the Communications Act of 1934, as amended (the "Act"), by helping to ensure that eligible schools and libraries obtain access to discounted telecommunications and information services.

Thank you for your time and consideration. You are hereby authorized to contact our E-Rate Contact, Charlie Hobbs, if you have any questions concerning this appeal or require additional information. His contact information is as follows:

Charlie Hobbs
AdTec, Inc
P.O. Box 97
Centerville, IN 47330
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Authorized Signatures:

Timothy Thrasher, Director of Business Operations

Barbara Buckner, Assistant Director of Business Operations